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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,870	10/14/2003	Jason R. Melvin	P-US-TN 09374	4800

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Michael P. Leary, Group Patent Counsel
Black & Decker Corporation
Mail Stop TW199
701 E. Joppa Rd
Towson, MD 21286

EXAMINER

NGUYEN, DUNG V

ART UNIT PAPER NUMBER

3723

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,870

Applicant(s)

MELVIN ET AL.

Examiner

Dung V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-19, 21-23 and 26-28 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 13, 14, 20 and 24 is/are rejected.
- 7) ☒ Claim(s) 3-12 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 0104 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 13 14, 20 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Decker (USPN 4,114,665). Decker discloses a sanding frame 12 for supporting a portable power sander 18 with a movable abrasive surface 31, the frame 12 comprising a base 10 defining an opening, having a first surface and a second surface and lying substantially in a plane, wherein the plane of the base 10 is planar parallel to the ground, the sander 18 supportable in the opening, a leg 13 selective connectable to the base 10 for supporting the base in an orientation where the abrasive surface 31 is exposed for access by a user. Decker also discloses a method for converting a sanding frame 12 into a stand for portable sander 18 with a movable abrasive surface 31 comprising providing a sander frame 12 and a leg 13, mounting the sander 18 to the frame 12, attaching the leg 13 to the sander frame 12 so that the movable abrasive surface of the sander 18 is exposed for access (note Fig. 1-5, col. 2, line 19 to col. 3, line 20).

Allowable Subject Matter

3. Claims 15-19, 21-23 and 26-28 are allowed.

4. Claims 3-12 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 27 December 2005 have been fully considered but they are not persuasive. Applicant argues "Decker '665 does not disclose a sanding frame as defined by the Specification of the subject application.". If a sanding frame defined as an accessory by Applicant specification, then the sanding frame 12 of Decker '665 discloses a portable belt sander 10 attached to a frame 12. Therefore, an ordinary skill in the art would interpret that the frame 12 is an accessory of the portable belt sander 10 since it supports a portable belt sander 10 and adds convenience and effectiveness to the belt sander 10. Applicant argues "the legs 13 of Decker '665 are permanently, albeit pivotably, connected to the table 10, ... wherein describing Fig. 13 of Decker '665 the legs are repeatedly described as "folded" or "collapsed", but not disconnected. Claims 1, 2, 13, 14, 20 and 24 do not recite any limitation that a leg is disconnected. Applicant argues "both claims 13 and 24 require the steps of "providing a sander frame and a ... leg" and "attaching the leg to the sander frame". Fig. 1 of Decker '665 clearly shows a frame 12 and leg 13 attached to the frame 12, the portable belt sander 10 can be used with the frame 12 without legs when legs are folded or with and the frame 12 serves as a stand where legs are extended.

Conclusion

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6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung V. Nguyen whose telephone number is 571-272-4490. The examiner can normally be reached on M-F, 7:00-3:30.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DUNG VAN NGUYEN
PRIMARY EXAMINER

DVN
March 20, 2006